

Decision 05-01-011 January 13, 2005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Winstar Communications, LLC
(U-5531-C) for Authority to Discontinue Certain
Telecommunications Services in the State of
California.

Application 04-04-031
(Filed April 26, 2004)

**OPINION GRANTING AUTHORITY TO DISCONTINUE
CERTAIN TELECOMMUNICATIONS SERVICES**

1. Summary

This opinion authorizes Winstar Communications, LLC (Winstar) to discontinue the provision of local exchange and interexchange services to approximately 1,904 customers. Winstar will continue to offer telecommunications services to its federal government customers.

2. Background

Winstar is authorized by Decision (D.) 02-03-021, D.95-12-057, and D.95-11-045 to provide facilities-based and resold local exchange and interexchange services in California.

Winstar filed Application (A.) 04-04-031 on April 26, 2004. Notice of the Application appeared in the Commission's Daily Calendar on April 29, 2004. There were no protests or other responses to A.04-04-031. Winstar also filed supplements to A.04-04-031 on May 12 and November 23, 2004.

In its Application, as supplemented, Winstar requests authority to discontinue the provision of local exchange, interexchange, and other wireline telecommunications services to customers in California, except federal

government customers. The proposed discontinuance of services affects approximately 1,904 customers. Winstar represents that it mailed written notice of the proposed discontinuance to all affected customers, and that the notice complied with requirements established by D.02-01-038 and the Federal Communications Commission. Winstar also represents that as of November 23, 2004, all affected customers had voluntarily switched to new service providers.

3. Discussion

The Commission's requirements governing the discontinuance of telecommunications services by competitive carriers such as Winstar are set forth in D.02-01-038. The primary requirement is that customers must be provided with at least 30-day's written notice of the proposed discontinuance.

We find that Winstar has satisfied the Commission's requirements for the discontinuance of service. Accordingly, Winstar's application to discontinue service is granted.

4. Categorization and Need for Hearings

In Resolution ALJ 176-3133, dated May 6, 2004, the Commission preliminarily categorized this proceeding as ratesetting and preliminarily determined that hearings are not necessary. Based on the record, we affirm that this is a ratesetting proceeding and that hearings are not necessary.

5. Comments on Draft Opinion

This is an uncontested matter in which the opinion grants the relief requested. Therefore, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is waived.

6. Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Timothy Kenney is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. In A.04-04-031, Winstar requests authority to discontinue service to approximately 1,904 customers.
2. Notice of A.04-04-031 appeared in the Daily Calendar on April 29, 2004.
3. No protests or other responses have been filed.
4. Winstar provided affected customers with at least 30-day's written notice of the proposed discontinuance.
5. As of November 23, 2004, all of Winstar's affected customers had voluntarily switched to other service providers.

Conclusions of Law

1. This is a ratesetting proceeding.
2. There is no need for hearings.
3. A.04-04-031 should be granted.
4. Because this matter is uncontested, the following order should be effective on the date that it is signed.

O R D E R

IT IS ORDERED that:

1. Application 04-04-031 is granted.
2. This proceeding is closed.

This order is effective today.

Dated January 13, 2005, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners